

COUNTY COUNCIL  
OF  
HARFORD COUNTY, MARYLAND

BILL NO. 07-46 As Amended

Introduced by Council President Boniface and Council Members McMahan, Guthrie, Chenowith, Shrodes, Slutzky and Lisanti

Legislative Day No. 07-28 Date October 9, 2007

AN ACT to repeal and re-enact, with amendments, Article I, Pensions, of Chapter 28, Fire, Ambulance and Rescue Organizations, of the Harford County Code, as amended; to change eligibility requirements for the volunteer fire fighter length of service award program; to increase the burial benefit; and generally relating to pensions of the Fire, Ambulance and Rescue Organizations.

By the Council, October 9, 2007

Introduced, read first time, ordered posted and public hearing scheduled

on: November 13, 2007

at: 6:30 p.m.

By Order: Barbara J. O'Connor, Council Administrator

**PUBLIC HEARING**

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on November 13, 2007 and concluded on November 13, 2007.

Barbara J. O'Connor, Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

Section 1. Be It Enacted By The County Council of Harford County, Maryland that Article I, Pensions, of Chapter 28, Fire, Ambulance and Rescue Organizations, of the Harford County Code, as amended, be, and it is hereby, repealed and re-enacted, with amendments, all to read as follows:

**Chapter 28. Fire, Ambulance and Rescue Organizations**

**Article I. Pensions/LOSAP**

**§ 28-1. Volunteer fire fighter length of service award program.**

A. There is hereby established a Length of Service Award Program for qualified active volunteer members of the County Volunteer Fire Departments/Companies or ambulance corps and/or any volunteer fire company receiving contributions from the county. For the purposes of this section, [an "active volunteer member"] A MEMBER is defined as a person who has accumulated a minimum of [fifty (50)] 50 points per calendar year, in accordance with the point system set forth in this [section]

**ARTICLE.**

B. Any person who has served as a member of a County Volunteer Fire Department/Company or ambulance corps and/or volunteer fire companies receiving contributions from the county AND HAS COMPLETED 5 CONTINUOUS YEARS OF SERVICE shall be eligible to receive benefits hereinafter set forth, provided that[:

(1) The person is certified, in accordance with the provisions of this section, to have served as an active volunteer subsequent to January 1, 1975.

(2) Any person who discontinued active volunteer service prior to January 1, 1970, may receive credit for such service after being certified, in accordance with the provisions of this section, to have performed five (5) years' active volunteer service subsequent to such date.

(3)] Any person who completes [twenty-five (25)] 25 years of certified service and

1 has not attained the age of [sixty (60)] 55 may be qualified. Each person will become eligible for  
2 benefits upon reaching the age of [sixty (60)] 55, provided that each person is certified as to the  
3 [twenty-five (25)] 25 years of qualified service prior to January 1, 1975. After January 1, 1975, a  
4 person must accumulate the proper number of points needed to qualify. After a person is qualified and  
5 certified, failure to remain active or to maintain membership in a Fire Department/Company or  
6 ambulance corps will not disqualify or otherwise affect any person from receiving benefits at the age of  
7 [sixty (60)] 55.

8 **§ 28-2. Service benefits.**

9 A. ~~Beginning July 1, 2000,~~ any person who has reached the age of [60] 55 and who has  
10 completed a minimum of 25 years of certified active volunteer service with any County Volunteer Fire  
11 Department/Company or ambulance corps shall receive benefits in the amount of \$300.00 per month  
12 for life or in such an amount as set in the county budget as provided in § 28-4 of this article. Payments  
13 shall begin on the first day of the month following eligibility. The program shall be administered by the  
14 Director of Administration of the county, ~~and payments shall be made directly to the volunteer entitled~~  
15 ~~to such benefits.~~ AND THESE PAYMENTS SHALL BE PAYABLE IN THE NORMAL MANNER

16 B. An additional payment of a minimum of \$6.00 per month or as provided in the county  
17 budget pursuant to § 28-4 of this article shall be added to the benefits described in Subsection A of this  
18 section for each full year of volunteer service in excess of 25 years, provided that a maximum benefit of  
19 \$450.00 per month or such an amount as set in the county budget pursuant to § 28-4 of this article or  
20 equivalent shall be payable to any individual.

21 C. ~~In the event that any active volunteer fireman or corpsman attains~~ ANY PERSON  
22 WHO HAS REACHED the age of 70 years AND WHO HAS COMPLETED 5 CONTINUOUS

1 YEARS OF SERVICE WITH A MINIMUM OF 10 YEARS OF CERTIFIED ACTIVE VOLUNTEER  
2 SERVICE BUT [and] fails to achieve the required 25 years of service, the volunteer is entitled to a  
3 monthly benefit of the number of years of certified service completed multiplied by \$12 or the amount  
4 as set in the County Budget as provided in § 28-4 of this article. These benefits shall be payable in the  
5 normal manner.

6 D. THE BURDEN SHALL BE UPON THE ELIGIBLE VOLUNTEER TO MAKE A  
7 CLAIM FOR BENEFITS, AND NO BENEFITS SHALL BE PAID FOR WHICH A CLAIM IS NOT  
8 MADE WITHIN 12 MONTHS OF ELIGIBILITY FOR SAID PAYMENT.

9 E. IN THE EVENT THAT A MEMBER RECEIVING BENEFITS UNDER THIS SECTION  
10 DIES, HIS OR HER SURVIVING SPOUSE IS ENTITLED TO BENEFITS EQUAL TO 50% OF  
11 THE BENEFITS THE MEMBER WAS ELIGIBLE TO RECEIVE AT THE TIME OF DEATH.  
12 THESE BENEFITS SHALL BEGIN ON THE FIRST DAY OF THE FIRST MONTH AFTER THE  
13 DEATH OF THE MEMBER AND SHALL TERMINATE UPON THE DEATH OR  
14 REMARRIAGE OF THE SPOUSE.

15 **§ 28-3. Disability and death benefits.**

16 A. A "QUALIFIED VOLUNTEER" IS HEREIN DEFINED FOR THE PURPOSES OF  
17 THIS SECTION AS ONE WHO HAS COMPLETED 25 YEARS OF CERTIFIED SERVICE.

18 [A]B. In the event that any active volunteer becomes disabled during the course of service  
19 described in the Annotated Code of Maryland, [1957, Article 101, § 34(a),] LABOR AND  
20 EMPLOYMENT ARTICLE, TITLE 9, and such disability prevents the volunteer from pursuing his  
21 normal occupation and the disability is of a permanent nature as determined and certified by the State  
22 [Workmen's] WORKERS' Compensation Commission, the volunteer is entitled to receive the benefits

1 prescribed in § 28-2A and any such benefits as he may be entitled to, regardless of his age or length of  
2 service. These benefits shall begin on the first day of the first month following the establishment of the  
3 determination of the permanent disability and shall remain in effect as long as the permanent disability  
4 exists. This subsection shall not be applicable to any volunteer not insured either by the county or any  
5 other Department/Company or corps [workmen's] WORKERS' compensation insurance carrier.

6 [B]C. In the event that any volunteer shall die while receiving DISABILITY benefits, his  
7 surviving spouse is entitled to benefits equal to [fifty percent (50%)] 50% of the volunteer's benefits.  
8 These benefits shall terminate upon death or remarriage of the spouse.

9 [C]D. In the event that a QUALIFIED volunteer dies prior to OR WHILE receiving any  
10 benefits under this section, his surviving spouse is entitled to benefits equal to [fifty percent (50%)]  
11 50% of the benefits the deceased [is] WAS eligible to receive AT THE TIME OF DEATH. These  
12 benefits shall commence upon the first day of the first month after the death of the volunteer and shall  
13 terminate upon the death or remarriage of his spouse. [A "qualified volunteer" is defined as one who  
14 has completed twenty-five (25) years of certified service.]

15 [D]E. In the event that any volunteer [is fatally injured or] dies as a result of performing the  
16 services described in the Annotated Code of Maryland, [1957, Article 101, § 34(a)] LABOR AND  
17 EMPLOYMENT ARTICLE, TITLE 9, his spouse shall be entitled to benefits under § 28-2A or B,  
18 whichever are the greater. These benefits shall commence on the first day of the first month after the  
19 death and shall terminate upon death or remarriage of the spouse.

20 [E]F. In the event that a qualified volunteer fireman dies, a burial benefit of [one thousand  
21 dollars (\$1,000.)] \$5,000 shall be payable to the [spouse] SPOUSE, BENEFICIARY OR THE  
22 ESTATE OF THE VOLUNTEER. CLAIMS FOR DEATH BENEFITS SHALL BE DOCUMENTED

1 BY A DEATH CERTIFICATE AND/OR SUCH OTHER EVIDENCE AS REQUIRED.

2 **§ 28-4. Periodic adjustments.**

3 Periodically, the Director of Administration and the HARFORD COUNTY VOLUNTEER  
4 FIRE & EMERGENCY SERVICES ASSOCIATION (HEREINAFTER "ASSOCIATION") [County  
5 Fire Chiefs' Association] shall review the benefits prescribed in this Article, and such review could  
6 increase or decrease these benefits. Revised benefits, subject to approval of the County Executive and  
7 the County Council through the budget process, shall be effective on the first pay period in the new  
8 fiscal year.

9 **§ 28-5. Records; certification of eligibility; appeals.**

10 A. It is the responsibility of each participating Volunteer Fire Department/Company or  
11 ambulance corps to maintain detailed and accurate records for each volunteer member on forms  
12 prescribed by the [County Fire Chiefs'] Association DEPARTMENT OF THE TREASURY.

13 B. ~~Beginning December 1, 1974, and each October 1 thereafter, the Board of Directors of~~  
14 ~~each Volunteer Fire Department/Company or ambulance corps shall furnish the [County Fire Chiefs']~~  
15 ~~Association with a statement under oath certifying~~ BY OCTOBER 1 OF EACH YEAR, A  
16 DESIGNEE OF EACH VOLUNTEER FIRE DEPARTMENT/COMPANY OR AMBULANCE  
17 CORPS SHALL FURNISH THE DEPARTMENT OF THE TREASURY WITH A STATEMENT  
18 OF all volunteers of the Department or corps who have qualified for credit for the previous years. Each  
19 statement shall contain all members' ages and previous credits earned and other information as may be  
20 required by the [County Fire Chiefs'] Association and the ~~Director of Administration~~ DEPARTMENT  
21 OF THE TREASURY of the county.

22 C. Upon receipt of this statement, the [County Fire Chiefs'] ~~Association~~ DEPARTMENT

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1 OF THE TREASURY shall review the list of each Department or corps. THE DEPARTMENT OF  
2 THE TREASURY SHALL SUBMIT A FINAL STATEMENT FROM EACH DEPARTMENT OR  
3 CORPS TO THE ASSOCIATION. After the [County Fire Chiefs'] Association approves the certified  
4 list, it shall forward a copy of each approved list to the Fire Department/Company or ambulance corps  
5 concerned by November 1 of each year. These lists shall be CERTIFIED FOR ACCURACY BY  
6 THE DEPARTMENT/COMPANY OR CORPS AND BE posted in a conspicuous place within each  
7 Fire Department/Company or ambulance corps building for a period of not less than [thirty (30)] 30  
8 calendar days. The posting date and the date of expiration of the [thirty (30)] 30 calendar days for a  
9 right of appeal shall be noted on all approved lists.

10 D. A person whose name does not appear on the certified list or who is denied credit for  
11 services ~~prior to January 1, 1975~~, has the right of appeal within [thirty (30)] 30 calendar days of the  
12 posting.

13 E. The request for an appeal hearing shall be in writing and addressed to the [County Fire  
14 Chiefs'] Association, which shall make a final decision. The hearing shall be conducted by the  
15 [County Fire Chiefs'] Association within [fifteen (15)] 15 calendar days after the posting expires but  
16 not less than [five (5)] 5 calendar days after notifying the appellant of the date. THE ASSOCIATION  
17 SHALL IMMEDIATELY NOTIFY THE DEPARTMENT OF THE TREASURY IN WRITING OF  
18 THE OUTCOME OF THE HEARING.

19 F. ~~Fifteen [(15)] calendar days after all appeal hearings, if necessary, but no later than~~  
20 ~~January 1, the [County Fire Chiefs'] Association shall submit to the Director of Administration of the~~  
21 ~~county a statement under oath certifying all volunteers of the Fire Department/Company or corps who~~  
22 ~~have qualified during the current year and those eligible for benefits under this Article on forms~~

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1 ~~prescribed by the county.~~

2       G F. It shall be the responsibility of the [County Fire Chiefs'] Association to submit a  
3 statement under oath of any benefits to be paid under ~~§ 28-3~~, §28-3 B including prompt notification of  
4 termination.

5       [H. Any volunteer eligible for benefits under this Article may elect to receive the benefits;  
6 however, if he is receiving benefits, he shall not be eligible to receive any other volunteer service  
7 benefits offered by another jurisdiction without withdrawing from the county's program.]

8 **§ 28-6. Point system.**

9       In order to qualify for the benefits pursuant to this Article, points shall be credited to each  
10 volunteer in accordance with the following standards:

11       A. One [(1)] point shall be credited for every [three (3)] 3 hours of attendance in a  
12 recognized training course, provided that not more than [twenty-five (25)] 25 points may be credited for  
13 all training courses attended per year.

14       B. One [(1)] point shall be credited for each company or county drill attended in its  
15 entirety, provided that not more than [twenty (20)] 20 points may be credited for all drills attended per  
16 year.

17       C. One [(1)] point shall be credited for each official company or county meeting pertaining  
18 to the county fire services or rescue services attended, provided that not more than [twenty-five (25)] 25  
19 points may be credited for all meetings attended per year.

20       D. One [(1)] point shall be credited for each call to which a volunteer responds, provided  
21 that not more than [forty (40)] 40 points may be credited for all calls responded to per year.

22       E. Twenty-five [(25)] points shall be credited for completion of a one-year term as an



1 appointed or elected officer in any of the fire or rescue service organizations of the county, provided  
2 that not more than [one (1)] 1 office shall be counted in any calendar year.

3 F. One [(1)] point shall be credited for every [three (3)] 3 hours of acceptable collateral  
4 duties, such as, but not limited to, apparatus and building maintenance, official standby and fire  
5 prevention or fundraising details, provided that not more than [twenty-five (25)] 25 points may be  
6 credited for all collateral duties performed per year.

7 G. A volunteer member who serves or has served full-time military service in the Armed  
8 Forces of the United States shall receive credit at the rate of [five (5)] 5 points for each month served,  
9 provided that not more than [fifty (50)] 50 points can be credited for the calendar year. A maximum of  
10 [four (4)] 4 years of creditable service may be acquired in this manner.

11 **§ 28-7. Effect of prior service.**

12 In order to provide credit for service prior to January 1, 1975, the Fire Department/Company or  
13 ambulance corps shall review its past and present membership rosters to determine the number of years  
14 of credit to which each member or past member is entitled. In making this analysis, the standards for  
15 active service shall be used as guidelines. Approval for service shall be certified by the Board of  
16 Directors of each Fire Department/Company or ambulance corps. If a volunteer member has service in  
17 more than [one (1)] 1 County Fire Department/Company or ambulance corps, that person shall receive  
18 credit for the service in each organization, provided that not more than [one (1)] 1 year's credits may be  
19 granted for each calendar year of volunteer service.

20 **§ 28-8. Insufficient records.**

21 In the event that sufficient records are unavailable to prove service prior to January 1, 1975, the  
22 certification may be made by a Fire Department/Company or ambulance corps after thorough

1 investigation and on the best information, knowledge and belief of the Board of Directors of the  
2 individual Fire Department/Company or ambulance corps.

3 **§ 28-9. Funding of program.**

4 The volunteer firemen pension benefits program shall be funded as may from time to time be  
5 provided in the Annual Budget and Appropriation Ordinance of the county.

6  
7 Section 2. And Be It Further Enacted that this Act shall take effect 60 calendar days from the date  
8 it becomes law.

EFFECTIVE: January 28, 2008

*The Council Administrator does hereby certify that  
fifteen (15) copies of this Bill are immediately available for  
distribution to the public and the press.*

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*Council Administrator*

HARFORD COUNTY BILL NO. 07-46

Brief Title Pensions – Fire, Ambulance & Rescue Organizations

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

**CERTIFIED TRUE AND CORRECT**

Barbara J. O'Connor  
Council Administrator

Date November 13, 2007

**ENROLLED**

Billy Bonface  
Council President

Date November 13, 2007

**BY THE COUNCIL**

Read the third time.

Passed: LSD 07-32

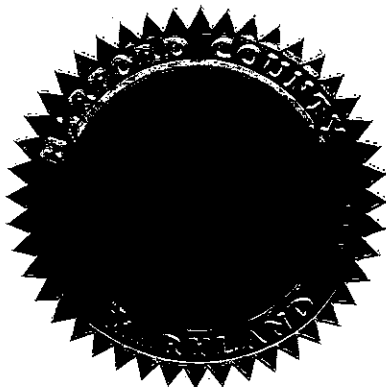
Failed of Passage: \_\_\_\_\_

By Order

Barbara J. O'Connor  
Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this 14<sup>th</sup> day of November, 2007 at 3:00 p.m.

Barbara J. O'Connor  
Council Administrator



**BY THE EXECUTIVE**

David R. Craig  
COUNTY EXECUTIVE

APPROVED: Date November 27, 2007

**BY THE COUNCIL**

This Bill No. 07-46 As Amended having been approved by the Executive and returned to the Council, becomes law on November 27, 2007.

EFFECTIVE DATE January 28, 2008

Barbara J. O'Connor  
Barbara J. O'Connor,  
Council Administrator